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DAVID R. HOMER
UNITED STATES MAGISTRATE JUDGE
ALBANY, NEW YORK
ARTHUR J. SIEGEL
Direct: 518-533-3211
siegela@bsk.com

March 4, 2005

VIA HAND DELIVERY

Hon. David R. Homer
United States District Court
Northern District of New York
James T. Foley U.S. Courthouse
445 Broadway
Albany, NY 12207-2974

Re: *Pimsner v. Nexen*
03-CV-1373

Dear Judge Homer:

This will confirm a conversation my legal assistant had with John Domurad this morning concerning this case. On February 23, 2005, on behalf of plaintiffs, we electronically filed a Motion for Summary Judgment and a Motion to Preclude the Testimony of Defendant's Expert Witness, Thomas Dodson. Contained within certain of those documents is information which needs to be filed under seal pursuant to a confidentiality order entered into between the parties. It is my understanding that if so ordered, the clerk's office will remove the documents which contain the confidential information. The following are the documents that should be removed:

Summary Judgment Motion—

Exhibit G to Siegel Affidavit - Osborne report (two parts) (contained within document number 45)
Exhibit K to Siegel Affidavit - Dodson report (contained within document number 47)
Exhibit N to Siegel Affidavit - Osborne deposition (six parts) (document number 48)
Exhibit P to Siegel Affidavit - Dodson deposition (three parts) (contained within document number 50)
Exhibit Q to Siegel Affidavit - Cho Declaration (contained within document number 50)
Statement of Undisputed Facts (contained within document number 43)
Memorandum of Law (contained within document number 43)

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Motion to Preclude –

Exhibit A to Ramsey Affidavit – Dodson Report (contained within document number 52)
Exhibit B to Ramsey Affidavit – Dodson Deposition (three parts) (contained within document number 52)
Exhibit C to Ramsey Affidavit – Osborne Report (two parts) (contained within document number 52)
Exhibit D to Ramsey Affidavit – Osborne Deposition (six parts) (contained within document number 52)
Memorandum of Law (document number 52).

When document number 52 was being filed in its entirety, our computer malfunctioned. As we reduced documents into smaller batches and began re-filing (document 53), we received notice that document number 52 did go through in its entirety. Therefore, document 53 should also be deleted in its entirety. At the time of filing, an e-mail request to this effect was made by my legal assistant.

We apologize for any inconvenience this may have caused and respectfully request you order the items be removed from the electronic filing system. Thank you for your consideration.

Very truly yours,

BOND, SCHOENECK & KING, PLLC




Arthur J. Siegel

AJS/mlc
Enclosures

cc: Michael Bai, Esq. (via e-mail)
John C. Ramsey, Esq. (via e-mail)

SO ORDERED:



Hon. David R. Homer
March 7, 2005